

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ANTHONY BRIAN MALLGREN,

Plaintiff,

vs.

UNION GOSPEL MISSION,

Defendant.

No. CV-13-175-LRS

ORDER OF DISMISSAL

The *pro se* Plaintiff has been allowed to file his Complaint *in forma pauperis* subject to review by the undersigned for legal sufficiency. (ECF No. 3).

Plaintiff asserts a cause of action under 15 U.S.C. Section 77q(b) and because of that, alleges there is a federal question which confers subject matter jurisdiction on the court pursuant to 28 U.S.C. Section 1331. 15 U.S.C. Section 77q is part of the federal Securities Act of 1933. Section 77q makes it illegal to use interstate commerce to fraudulently offer or sell securities . It is clear that the allegations set forth in Plaintiff's complaint (ECF No. 4) do not involve an offer to sell, or the sale of, a "security" as that term is defined in 15 U.S.C. Section 77b(a)(1).

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ORDER OF DISMISSAL - 1

1 Accordingly, this action is *sua sponte* **DISMISSED** with prejudice
2 pursuant to 28 U.S.C. Section 1915e(2)(B)(ii) for failing to state a claim upon
3 which relief may be granted. Plaintiff's Motion To Obtain ECF Log In and
4 Password (ECF No. 5) is **DISMISSED** as moot.

5 **IT IS SO ORDERED.** The District Executive shall enter judgment
6 accordingly and forward copies of the judgment and this order to Plaintiff. The
7 file shall be **CLOSED**.

8 **DATED** this 15th of May, 2013.

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10 *s/Lonny R. Suko*

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12 LONNY R. SUKO
13 United States District Judge
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